



COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
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CITY OF NEWPORT BEACH
ZONING ADMINISTRATOR STAFF REPORT

June 27, 2013

Agenda Item No. 1:

SUBJECT: Uptown Newport Parcel Map - (PA2013-085)
4311 & 4321 Jamboree Road
▪ Tentative Parcel Map No. NP2013-010
▪ County Tentative Parcel Map No. TPM No. 2013-108

APPLICANT: Uptown Newport LP

PLANNER: Rosalinh Ung, Associate Planner
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On June 13, 2013, the Zoning Administrator continued the tentative parcel map application to the June 27th Zoning Administrator meeting in order for staff to work with the applicant to determine the recordation timing of the proposed tentative parcel map. This application is to subdivide the existing two parcels into four parcels located on the subject property for future conveyance purposes. No development or improvements are proposed as of this application.

The attached draft resolution has been revised to require the tentative parcel map to be recorded after the approval of the Master Site Development Plan by the Planning Commission. The purpose of this requirement is to ensure that the Master Site Development Plan for the Uptown Newport project is in placed prior to the sale of individual parcels for future development.

Prepared by:



Rosalinh Ung
Associate Planner

JC/ru

Attachments: ZA 1 Revised Draft Resolution

Attachment No. ZA 1

Revised Draft Resolution

RESOLUTION NO. ZA2013-0##

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING TENTATIVE PARCEL MAP NO. NP2013-010 FOR A FOUR-LOT SUBDIVISION LOCATED AT 4311-4321 JAMBOREE ROAD (PA2013-085)

THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Uptown Newport LP, property owner, with respect to property located at 4311-4321 Jamboree Road, and legally described as Lots 1 and 2 of Tract No. 7953, in the City of Newport Beach, County of Orange, State of California, as shown on a map recorded in Book 310, Pages 7 to 11 inclusive of miscellaneous maps in the Office of the County Recorder of Orange County, State of California requesting approval of a tentative parcel map.
2. The applicant proposes a tentative parcel map application to create four legal parcels for conveyance purposes. No exceptions to Title 19 (Subdivision Code) development standards are proposed with this application. Tentative Tract Map No. 17438 was approved by the City Council on February 26, 2013, to accommodate the Uptown Newport mixed-use residential planned community of up to 1,244 residential units, 11,500 square feet of retail use, and two acres of public park space.
3. The property is currently improved with two existing industrial buildings, surface parking lots, driveways, and ancillary improvements. No development or improvements are proposed as part of this application.
4. The subject property is located within the Airport Business Area and has a General Plan designation of Mixed-Use District Horizontal-2 (MU-H2). The Uptown Newport Planned Community Development Plan (Uptown Newport PC) has been adopted to regulate development within the subject property.
5. The subject property is not located within the Coastal Zone.
6. Public hearings were held on June 13 and June 27, 2013, in the Corona del Mar Conference Room (Bay E-1st Floor) at 100 Civic Center Drive, Newport Beach. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this meeting.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. All significant environmental concerns for the proposed project have been addressed in the previously certified Environmental Impact Report No. ER2012-001 (SCH No. 2010051094), and the City of Newport Beach intends to use said document for the

above noted project. Furthermore, there are no additional reasonable alternative or mitigation measures that should be considered in conjunction with said project. Copies of the previously prepared environmental document are available for public review and inspection at the Planning Division or at the City of Newport Beach website at www.newportbeachca.gov/cegadocuments

SECTION 3. REQUIRED FINDINGS.

The Zoning Administrator determined in this case that the proposed parcel map is consistent with the legislative intent of Title 20 of the Newport Beach Municipal Code and is approved based on the following findings per Section 19.12.070 (Required Findings for Action on Tentative Maps) of Title 19:

Finding:

- A. *That the proposed map and the design or improvements of the subdivision are consistent with the General Plan and any applicable specific plan, and with applicable provisions of the Subdivision Map Act and this Subdivision Code.*

Facts in Support of Finding:

- A-1. The Property has a General Plan designation of Mixed-Use District Horizontal-2 (MU-H2), and the Property is located within the Airport Business Area. The Uptown Newport PC has been adopted to regulate development within the subject property.
- A-2. The proposed tentative parcel map will create four legal parcels: Parcels 1 and 3 will be conveyed to merchant builders for Phase 1 development and Parcels 2 and 4 will be conveyed to future builders for Phase 2 development.
- A-3. Section 19.04.035 "Development Across Property Lines" prohibits construction of a principal or accessory structure across a lot line. There is an existing condition where an overhead canopy along the corridor connecting the two existing buildings on the property crosses through the property line. This condition will continue to remain between Parcels 1 and 4. It should be noted, however, that this is an existing condition and that the existing property line, as currently mapped, has this same condition.
- A-4. No development or improvements are proposed with the proposed tentative parcel map. Any improvements will require future application submittals and approvals. Prior to development of the site pursuant to the Uptown Newport PC, subsequent final maps to implement the proposed parcels and improvements shown on Tentative Tract Map No. 17438 will be submitted to the City for review and approval.
- A-5. The Uptown Newport PC permits the existing industrial development as an allowed interim use until the existing TowerJazz lease expires, or until March 2027, whichever occurs first.

Finding:

B. *That the site is physically suitable for the type and density of development.*

Facts in Support of Finding:

B-1. No development or improvements are proposed with the proposed tentative parcel map. Any improvements will require future application submittals and approvals as required per the Uptown Newport PC.

Finding:

C. *That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat. However, notwithstanding the foregoing, the decision making body may nevertheless approve such a subdivision if an environmental impact report was prepared for the project and a finding was made pursuant to Section 21081 of the California Environmental Quality Act that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report.*

Facts in Support of Finding:

C-1. This project has been reviewed and is deemed consistent with the previously certified Environmental Impact Report No. ER2012-001 (SCH No. 2010051094) for the Uptown Newport project.

Finding:

D. *That the design of the subdivision or the type of improvements is not likely to cause serious public health problems.*

Facts in Support of Finding:

D-1. No development or improvements are proposed with the proposed tentative parcel map. Any improvements will require future application submittals and approvals as required by the Uptown Newport PC. All future development or construction will require future applications and approvals and will comply with all Building, Public Works, and Fire Codes, which are in place to prevent serious public health problems. All ordinances of the City and all Conditions of Approval will be complied with.

Finding:

E. *That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. In this connection, the decision making body may approve a map if it finds that alternate easements, for access or for use, will be*

provided and that these easements will be substantially equivalent to ones previously acquired by the public. This finding shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to the City Council to determine that the public at large has acquired easements for access through or use of property within a subdivision.

Facts in Support of Finding:

- E-1. The design of the development will not conflict with easements acquired by the public at large, for access through, or use of property within the proposed development, because there are no public easements located on the property.
- E-2. A Declaration of Easements is proposed to be recorded concurrent with the recordation of this tentative parcel map for ingress, egress, reciprocal parking and traffic circulation, and utilities. The Declaration of Easements provides for access, circulation, parking, and utility services to serve each of the four proposed parcels.

Finding:

- F. *That, subject to the detailed provisions of Section 66474.4 of the Subdivision Map Act, if the land is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (Williamson Act), the resulting parcels following a subdivision of the land would not be too small to sustain their agricultural use or the subdivision will result in residential development incidental to the commercial agricultural use of the land.*

Facts in Support of Finding:

- F-1. The property is not subject to the Williamson Act because the subject property is not designated as an agricultural preserve and is less than 100 acres in area.

Finding:

- G. *That, in the case of a "land project" as defined in Section 11000.5 of the California Business and Professions Code: (1) There is an adopted specific plan for the area to be included within the land project; and (2) the decision making body finds that the proposed land project is consistent with the specific plan for the area.*

Facts in Support of Finding:

- G-1. The property is not a "land project" as defined in Section 11000.5 of the California Business and Professions Code because the proposed subdivision does not contain 50 or more parcels.
- G-2. The project is located within the Uptown Newport PC, which permits the existing industrial development as an allowed interim use until the existing TowerJazz lease

expires, or until March 2027, whichever occurs first. The project is consistent with the Uptown Newport PC.

Finding:

- H. That solar access and passive heating and cooling design requirements have been satisfied in accordance with Sections 66473.1 and 66475.3 of the Subdivision Map Act.*

Facts in Support of Finding:

- H-1. The proposed parcel map and improvements are subject to Title 24 of the California Building Code that requires new construction to meet minimum heating and cooling efficiency standards depending on location and climate. The Newport Beach Building Division enforces Title 24 compliance through the plan check and inspection process.

Finding:

- I. That the subdivision is consistent with Section 66412.3 of the Subdivision Map Act and Section 65584 of the California Government Code regarding the City's share of the regional housing need and that it balances the housing needs of the region against the public service needs of the City's residents and available fiscal and environmental resources.*

Facts in Support of Finding:

- I-1. The tentative parcel map proposes the subdivision of two lots into four lots. No development or improvements are proposed. Any improvements will require future application submittals and approvals. Therefore, the proposed tentative parcel map will not affect the City in meeting its regional housing need.

Finding:

- J. That the discharge of waste from the proposed subdivision into the existing sewer system will not result in a violation of existing requirements prescribed by the Regional Water Quality Control Board.*

Facts in Support of Finding:

- J-1. No development or improvements are proposed. Existing wastewater discharge into the existing sewer system are designed to comply with the Regional Water Quality Control Board (RWQCB) requirements.

Finding:

- K. *For subdivisions lying partly or wholly within the Coastal Zone, that the subdivision conforms with the certified Local Coastal Program and, where applicable, with public access and recreation policies of Chapter Three of the Coastal Act.*

Facts in Support of Finding:

- K-1. The project is not located within the Coastal Zone, and therefore, is not applicable in regards to conformance with the certified Local Coastal Program and public access and recreation policies of Chapter Three of the Coastal Act.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Tentative Parcel Map No. NP2013-010, subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.
2. This action shall become final and effective ten days after the adoption of this Resolution unless within such time an appeal is filed with the Director of Community Development in accordance with the provisions of Title 19 Subdivisions, of the Newport Beach Municipal Code.

PASSED, APPROVED AND ADOPTED THIS 27th DAY OF JUNE, 2013.

By:

EXHIBIT "A"**CONDITIONS OF APPROVAL**

1. A parcel map shall be recorded. The map shall be prepared on the California coordinate system (NAD88). Prior to recordation of the map, the surveyor/engineer preparing the map shall submit to the County Surveyor and the City of Newport Beach a digital-graphic file of said map in a manner described in Section 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. **The map to be submitted to the City of Newport Beach shall comply with the City's CADD Standards. Scanned images will not be accepted.**
2. Prior to recordation of the parcel map, the surveyor/engineer preparing the map shall tie the boundary of the map into the Horizontal Control System established by the County Surveyor in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. Monuments (one inch iron pipe with tag) shall be set on each lot corner unless otherwise approved by the Subdivision Engineer. Monuments shall be protected in place if installed prior to completion of construction project.
3. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the Uptown Newport Parcel Map including, but not limited to, Tentative Parcel Map No. NP2013-010 (PA2013-085). This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.
4. This parcel map shall expire if the map has not been recorded within 24 months of the date of approval, unless an extension is granted by the Director of Community Development in accordance with the provisions of Section 19.16 of the Newport Beach Municipal Code.
5. All existing City easements along Jamboree Road shall remain.
6. The approval of Tentative Parcel Map No. NP2013-010 shall be for financing and conveyance purposes only. Development of each parcel shall be in accordance with

the requirements of the Conditions of Approval of Tentative Tract Map No. 17438 (NT2012-002) for Uptown Newport.

7. Any development of the numbered lots created by the approval of this parcel map shall require further discretionary approvals, at which time conformance to the development standards and land use regulations established by the Uptown Newport Planned Community Development Plan.
8. Prior to development of the site pursuant to the Uptown Newport PC, Final Map(s) to implement the proposed parcels and improvements shown on Tentative Tract Map No. 17438 shall be submitted to the City for review and approval.
9. An access easement shall be provided for each parcel onto all other parcels.
10. A Declaration of Easements shall be reviewed and approved by the Public Works Department and recorded concurrent with the recordation of Tentative Parcel Map No. NP2013-010 for ingress, egress, reciprocal parking and traffic circulation, and utilities.
11. Prior to recordation of Tentative Parcel Map No. NP2013-010, the Master Site Development Plan shall be approved by the Planning Commission.

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